

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

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In the Matter of:

James J. Decoulos,

Respondent

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)      Docket No.: LSP-10AP-01  
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**MOTION TO CORRECT EXHIBIT B-53**

Now comes the Respondent, James J. Decoulos, who hereby moves that Table 6 of the Phase II Comprehensive Site Assessment prepared by ECS dated November, 2006 and introduced as Exhibit B-53 be corrected for the record.

In support of this motion, Respondent has prepared an affidavit this date (the “Decoulos Aff. #12”) with the original Table 6 and the corrected Table 6. The corrections noted are made from the certificates of laboratory analysis of surface water samples presented in Exhibit B-21 and B-37.

Table 6 of Exhibit B-53 presents important comparative data that Respondent deems critical for his defense. The data demonstrates that the oil contaminated stormwater flows through drainage manhole no. 2 (or “DMH-2”) in front of the Eagle Gas station in Carver, Massachusetts peaked in dissolved oil contamination on October 28, 2005. Even at this elevated reading in 2005, the concentrations at the stormwater outfall into South Meadow Brook were nearly three orders of magnitude greater than DMH-2 when Respondent first identified the contamination into the Brook on May 16, 2003.<sup>1</sup> After numerous visual and field screening inspections in 2003 and 2004, Respondent has testified that he did not witness any diesel fuel impact to DMH-2 until 2005.<sup>2</sup>

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<sup>1</sup> See SW Outfall sample collected on May 21, 2003 with the data corrected in Table 6.

<sup>2</sup> See ¶¶ 12 and 15 of Respondent’s Rebuttal Testimony dated September 22, 2010, Exhibit RR-1.

For the foregoing reasons, Respondent moves that Table 6 of Exhibit B-53 be corrected for the record.

Dated: February 4, 2011

Respectfully submitted,



James J. Decoulos *pro se*  
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### STATEMENT OF SERVICE

I, James J. Decoulos, do hereby certify that I caused a copy of the MOTION TO CORRECT EXHIBIT B-53 with the supporting affidavit of James J. Decoulos dated February 4, 2011 to be served on the following parties by electronic mail:

Anne Hartley, Case Administrator      OADR  
Office of Appeals and Dispute Resolution  
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Signed under the penalties of perjury this 4<sup>th</sup> day of February, 2011.



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